

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NAIDA SEGURA,

§§§§§§§§§§

Plaintiff,

§

V.

CIVIL ACTION NO.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

SA-07-CV-0217 FB (NN)

Defendant.

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SHOW CAUSE ORDER

The purpose of this order is to direct plaintiff Naida Segura to show cause why she should not be required to pay the filing fee and cost of service in this case. On March 15, 2007, Segura asked to proceed in forma pauperis.¹ In her application, Segura indicated that she was unable to pay the costs of this proceeding because she receives \$2,000 per year income. I granted Segura's request, waived the payment of the \$350.00 filing fee, directed the clerk of the court to file Segura's complaint and to issue a summons, and instructed the U.S. Marshal to serve the defendant.² Since that time, the Marshal served the defendant at a cost of \$38.64.³ After service, the defendant filed its brief and reported that Segura receives a monthly pension from the Texas

¹See docket entry # 1 (motion to proceed in forma pauperis).

²See docket entry # 2 (order granting motion to proceed in forma pauperis).

³See docket entry # 6 (summons returned) & # 28 (request for U.S. Marshals Service Expenses in Pauper Case).

Teachers Retirement System in the amount of \$4,722.08.⁴ This report is consistent with the administrative law judge's determination that Segura's widow's benefit is properly offset by her monthly government pension of \$4,722.08.⁵ Segura did not report the monthly pension in her application to proceed in forma pauperis. If Segura receives a monthly pension of \$4,722.08, she does not qualify for in forma pauperis status and she must pay for the filing fee and the cost of service before this case proceeds further. For these reasons, I ORDER Segura to show cause in writing by **April 7, 2008** why she should not be required to pay the filing fee and the cost of service. If Segura fails to respond to this order by that date, I will recommend that the district judge dismiss this case for failing to pay the filing fee and the cost of service and/or for failing to comply with an order of the court.

SIGNED on March 25, 2008.

Nancy Stein Nowak
NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

⁴See docket entry # 27, p. 3 (defendant's brief supporting the decision of the Commissioner of the Social Security Administration).

⁵See Social Security record, p. 16.